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April 25, 2005

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By Express Mail, Label No. EV622938935US

TTAB

BOX TTAB FEE

Commissioner for Trademarks

P.O. Box 1451

Alexandria, VA 22313-1451

Re: *Athletics Investment Group LLC, d/b/a The Oakland Athletics Baseball Company v.
The Board of Trustees of the University of Alabama*

Opposition No.: To Be Assigned

Marks: A ALABAMA CRIMSON TIDE and Design

Serial No. 76/212,457 (Class 28)

Serial No. 76/976,853 (Classes 6, 11, 14, 16, 20, 21, 25)

Our Reference No.: 52933-24003.35

Dear Commissioner:

Enclosed for filing is a Consolidated Notice of Opposition pursuant to 37 C.F.R. § 2.104(b) and TBMP § 305 (in triplicate), and a receipt verification postcard in the above-referenced matter.

The Commissioner is hereby authorized to charge \$2,400.00 for the opposition to eight classes identified in the above-referenced applications, and any additional fees which may be required, or to credit any overpayment, to **Deposit Account No. 03-1952 (our reference no. 529332400335)**. A duplicate copy of this letter and the Notice of Opposition is enclosed for this purpose.

Very truly yours,



Rosemary S. Tarlton



04-25-2005

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

sf-1918840

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Application Serial No. 76/212,457

Filed: February 20, 2001

For Trademark: A ALABAMA CRIMSON TIDE and Design

Published in the Official Gazette on October 26, 2004

and

In re Application Serial No. 76/976,853

Filed: February 20, 2001

For Trademark: A ALABAMA CRIMSON TIDE and Design

Published in the Official Gazette on November 9, 2004

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ATHLETICS INVESTMENT GROUP LLC, D/B/A THE
OAKLAND ATHLETICS BASEBALL COMPANY

Opposer,

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF
ALABAMA,

Applicant.
-----X

Opposition No.

CONSOLIDATED NOTICE
OF OPPOSITION

Commissioner of Trademarks
BOX TTAB FEE
2900 Crystal Drive
Arlington, VA 22202-3514

Opposer, Athletics Investment Group LLC, d/b/a The Oakland Athletics Baseball Company, a California limited liability company, having its principal place of business at 7000 Coliseum Way, Second Floor, Oakland, California 94621 ("Opposer"), believes that it will be damaged by registration of the A ALABAMA CRIMSON TIDE and Design mark for a variety of goods in International Class 28 as shown in Application Serial No. 76/212,457 and for a variety of goods in International Classes 6, 11, 14, 16, 20, 21, and 25 as shown in Application Serial No. 76/976,853 (collectively referred to as "the Applications"), and having been granted extensions

Opposition to Serial No. 76/212,457 and Serial No. 76/976,853
Docket No. 52933-24003.35

of time to oppose up to and including April 24, 2005, and May 8, 2005, respectively, hereby opposes same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the OAKLAND ATHLETICS Major League Baseball Club ("Club"), which is well-known by sports fans and enthusiasts, the press and the general public.

2. Since long prior to February 20, 2001, Applicant's filing and constructive use date for Application Serial No. 76/212,457 and any use made by Applicant of Applicant's Stylized A Within Concentric Circle Design Mark, and July 7, 1998, the earliest first use date claimed in Application Serial No. 76/976,853, Opposer and/or its predecessors individually and/or through their affiliates, licensees and/or sponsors adopted, used, and continue to use trademarks consisting of a stylized letter A within a concentric circle design ("Opposer's Stylized A Within Concentric Circle Design Marks"), in connection with Opposer's baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, jewelry, printed matter, and novelty items.

3. Upon information and belief, Applicant did not use Applicant's Stylized A Within Concentric Circle Design Mark for the goods in Application Serial No. 76/212,457 prior to Applicant's constructive first use date of February 20, 2001.

4. Opposer owns United States federal registrations for certain of Opposer's Stylized A Within Concentric Circle Design Marks for goods and services in International Classes 6, 9, 14, 16, 18, 20, 21, 24, 25, 28, and 41, namely U.S. Registration Nos. 1,263,825, 1,267,687, 2,573,396, 2,630,348, 2,759,932, and 1,530,675 ("Opposer's U.S. Registrations"). Opposer's U.S. Registration Nos. 1,263,825, 1,267,687 and 1,530,675 are incontestable.

5. Since long prior to February 20, 2001, Applicant's filing and constructive use date for Application Serial No. 76/212,457 and any use made by Applicant of Applicant's Stylized A Within Concentric Circle Design, and July 7, 1998, the earliest first use date claimed in Application Serial No. 76/976,853, Opposer and/or its predecessors, individually and/or through

their licensees, affiliates and/or sponsors have promoted and advertised the sale and distribution of a wide range of goods and services bearing Opposer's Stylized A Within Concentric Circle Design Marks, including in connection with baseball game and exhibition services and a wide variety of goods and services, including, but not limited to, clothing, jewelry, printed matter, and novelty items, and have sold and/or distributed such goods and rendered such services in interstate commerce.

6. As a result of said promotion and sales of its goods and services bearing Opposer's Stylized A Within Concentric Circle Design Marks, Opposer has built up a highly valuable goodwill in Opposer's Stylized A Within Concentric Circle Design Marks, which have become closely and uniquely identified and associated with Opposer.

7. On February 20, 2001, The Board of Trustees of the University of Alabama ("Applicant") filed a use-based application to register the A ALABAMA CRIMSON TIDE and Design mark consisting of a prominent stylized letter A within a concentric circle design ("Applicant's Stylized A Within Concentric Circle Design Mark") for a variety of goods in International Classes 11, 14, 16, 20, 21, 25, 28 and 41. On or about December 16, 2003, Applicant filed a divisional request with respect to Application Serial No. 76/212,457 resulting in parent Application Serial No. 76/212,457 for the goods in International Class 28, and the creation of child Application Serial No. 76/976,853 covering the goods in International Classes 6, 11, 14, 16, 20, 21 and 25. On or about December 16, 2003, Applicant also deleted International Class 41 from the Application. On January 4, 2004 Application Serial No. 76/212,457 was amended to delete the use basis under section 1(a) and add an intent-to-use basis under section 1(b).

8. The goods covered by International Classes 6, 11, 14, 16, 20, 21, 25, and 28 in the Applications are identical and/or closely related to the goods offered and services rendered in connection with Opposer's Stylized A Within Concentric Circle Design Marks and covered by Opposer's U.S. Registrations.

9. Upon information and belief, the goods in International Classes 6, 11, 14, 16, 20, 21, 25, and 28 covered by the Applications, and Opposer's goods and services offered in connection with Opposer's Stylized A Within Concentric Circle Design Marks are likely to be sold or rendered through the same channels of trade and ultimately to the same kinds of consumers.

10. Applicant's Stylized A Within Concentric Circle Design Mark contains a prominent stylized letter A within a virtually identical concentric circle design and so resembles Opposer's Stylized A Within Concentric Circle Design Marks as to be likely, when applied to Applicant's goods in International Classes 6, 11, 14, 16, 20, 21, 25, and 28, to cause confusion, to cause mistake, and to deceive the trade and public, which are likely to believe that Applicant's goods have their origin with Opposer and/or that such goods are approved, endorsed, or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of certificates of registration for Applicant's Stylized A Within Concentric Circle Design Mark in International Classes 6, 11, 14, 16, 20, 21, 25, and 28.

11. Opposer would be further injured by the granting of certificates of registration to Applicant for the goods in International Classes 6, 11, 14, 16, 20, 21, 25, and 28, because Applicant's Stylized A Within Concentric Circle Design Mark used in connection with these goods would falsely suggest a connection between Applicant and Opposer.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Stylized A Within Concentric Circle Design Mark shown in the Applications in International Classes 6, 11, 14, 16, 20, 21, 25, and 28, and prays that the opposition be sustained and said registrations be denied with respect to all said classes.

Filing Fee: The Patent & Trademark Office is authorized to charge the \$2,400.00 for the filing of an opposition against one class in Application Serial No. 76/212,457 and against seven classes in Application Serial No. 76/976,853, and any additional fees which may be required, or to credit any overpayment to **Deposit Account 03-1952 (Reference No. 529332400335)**. A duplicate copy of this document is being provided for that purpose.

Please recognize as attorneys for Opposer in this proceeding Rosemary S. Tarlton
(member of the Bar of the State of California) and the firm of Morrison & Foerster LLP,
425 Market Street, San Francisco, CA 94105-2482.


Please address all communications to Rosemary S. Tarlton at the address below.

Dated: San Francisco, California

April 25, 2005

Respectfully submitted,

MORRISON & FOERSTER LLP

By: 
Rosemary S. Tarlton

Morrison & Foerster LLP
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(415) 268-6810
(415) 268-7522 (fax)

Attorneys for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ATHLETICS INVESTMENT GROUP LLC, D/B/A
THE OAKLAND ATHLETICS BASEBALL
COMPANY

Opposition No.

Opposer,

CONSOLIDATED NOTICE OF
OPPOSITION

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY
OF ALABAMA,

Applicant.
-----X

CERTIFICATE OF MAILING BY EXPRESS MAIL

BOX RESPONSES NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Commissioner:


Express Mail Label No.: EV622938935US

Date of Deposit: April 25, 2005

I hereby certify that the attached Transmittal + copy, Notice of Opposition (in triplicate); and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R § 1.10 on the date indicated above, and is addressed to: BOX RESPONSES NO FEE, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Respectfully submitted,

By: _____


Christine Jumoc